

1 DATED: MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

2
3 By: _____
4 Nancy K. Delaney, Esq.
5 Attorneys for defendants City of Eureka, City of
6 Arcata, Terry Liles, Murl Harpham and Bill Nova

7 DATED: ZWERDLING, BRAGG & MAINZER, LLP

8
9 By: W. R. Bragg
10 William R. Bragg, Esq.
11 Attorneys for defendant County of Humboldt

12 **DECLARATION OF DAVID P. DIBBLE, ESQ. IN SUPPORT OF STIPULATION FOR**
13 **LEAVE TO FILE FIRST AMENDED COMPLAINT**

14 I, DAVID P. DIBBLE, declare:

15 That I am an attorney at law admitted to practice before this Court and all courts
16 of the State of California and have my offices in Eureka, Humboldt County, California, and am
17 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the
18 following facts and if called upon to testify could competently testify thereto.

19 Upon the filing of the Complaint in this action, plaintiff was unaware of the
20 identity of one of the law enforcement personnel that assisted in the restraint and detention of
21 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the
22 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1
23 and the agencies participating in this enforcement action were named as his employer.

24 Since filing the complaint, defendant County of Humboldt has identified that
25 person as Humboldt County Sheriff Deputy James Mowrey. Accordingly, plaintiff desires to file
26 a First Amended Complaint naming Deputy Mowrey in place and in stead of defendant John Doe
27 1. Plaintiff has also agreed to dismiss the City of Arcata upon its representation that none of its
28 personnel were involved in the restraint and detention of plaintiff. The proposed First Amended
Complaint incorporates these changes.

I declare under penalty of perjury that the foregoing is true and correct.

1 DATED: MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

2
3 By: /s/ Nancy K. Delaney
4 Nancy K. Delaney, Esq.
5 Attorneys for defendants City of Eureka, City of
Arcata, Terry Liles, Murl Harpham and Bill Nova

6 DATED: ZWERDLING, BRAGG & MAINZER, LLP

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8 By: _____
9 William R. Bragg, Esq.
10 Attorneys for defendant County of Humboldt

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16 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the
following facts and if called upon to testify could competently testify thereto.

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18 identity of one of the law enforcement personnel that assisted in the restraint and detention of
19 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the
20 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1
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23 person as Humboldt County Sheriff Deputy James Mowrey. Accordingly, plaintiff desires to file
24 a First Amended Complaint naming Deputy Mowrey in place and in stead of defendant John Doe
25 1. Plaintiff has also agreed to dismiss the City of Arcata upon its representation that none of its
26 personnel were involved in the restraint and detention of plaintiff. The proposed First Amended
27 Complaint incorporates these changes.
28

1 I declare under penalty of perjury that the foregoing is true and correct.


2 Executed this 29th day of April, 2013 at Eureka, Humboldt County,
3 California.

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5 _____
6 David P. Dibble, Esq.

7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: April 29, 2013

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12 Hon. Jeffrey S. White, Judge
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